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APPLICATION NO. 05/071,046	FILING DATE 05/04/98	FIRST NAMED INVENTOR REINOLD	ATTORNEY DOCKET NO. J MCG00215
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WM02/0606

EXAMINER

BULK ART UNIT	PAPER NUMBER
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2611
DATE MAILED:

06/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/071,046

Applicant(s)

REINOLD ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 9-13, 16-18, and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski et al (U.S. Patent No. 5,729,549) in view of Rostoker et al (U.S. Patent No. 5,784,572).

Regarding claim 1, Kostreski et al (or "Kostreski" hereinafter) disclose a system for distributing audio content of a digital audio signal to an analog wireline device, i.e., digital audio sources can be broadcasted to users in audio/video signals for standard (conventional or analog) output device 75 (Fig. 4 and col. 8/lines 10-30), comprising an audio input interface receiving the digital audio signal and identifying an audio bitstream, i.e., the demultiplexer circuitry recognizes the audio input stream via the transport interface module and identifying that bit stream (Fig. 8 and col. 21/lines 8-32); an audio decoding unit connected to the audio input interface and decoding the audio bitstream, i.e., an audio decoder (Fig. 8/item 131 and col. 21/lines 21-26); an audio digital-to-analog converter connected to the audio decoding unit and converting the audio bitstream to an analog audio signal (DAC 135L & 135R, mistakenly labeled 134L & 134R in Fig. 8, and col 22/lines 19-35); and an audio output interface connected to the audio digital-to-analog converter and distributing the analog audio signal to the analog wireline device, i.e., either audio analog left and right outputs or RF modulator are used to distribute analog audio signals to analog wireline device, for example, to a standard or conventional

television set, by a pair of stereo cable or a coaxial cable, respectively (Fig. 8/Audio Left, Audio Right or RF out, and col. 22/lines 19-59).

Kostreski also teaches the step of "wherein the audio bit stream comprises audio data based on a plurality of encoding methods" by revealing the use of MPEG-1 or DIGICIPHER and MPEG-2 encoding technique (Kostreski, col. 12/lines 9-17). However, since the Applicants argues on this issue by amended the claim language (which changes the scope of the application) as disclosed, the Examiner would like to disclose the teachings of Rostoker et al. (or "Rostoker" hereinafter). Rostoker clearly shows a technique and an apparatus for compressing video and voice (audio) signals according to different standards (Rostoker, col. 1/lines 1-14), and Rostoker further discloses the use of different encoding techniques such as JPEG, CCITT H.261, MPEG-1, MPEG-2, MPEG-3 and MPEG-4 or even Dolby AC-3 (col. 1/lines 14-45, and col. 3/lines 4-27) for compressed video and audio signals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further clarify Kostreski's technique with known and existing different encoding techniques as disclosed by Rostoker in order to obtain an enhanced system that offers the convenience in handling different formats from sources by using a plurality of encoding methods at the video/audio interface as preferred.

As for claims 2 and 10, Kostreski further discloses "an audio digital decryption unit connected to the audio input interface and decrypting the audio bitstream" and "a video digital decryption unit connected to the video input interface and decrypting the video bitstream", i.e., decryption circuitry is available for digital audio/video inputs (col. 20/lines 39-67).

Regarding claims 3 and 11, Kostreski does not shows "an audio analog decryption unit connected to the audio digital-to-analog converter and decrypting the analog audio signal" and "a video analog decryption unit connected to the video digital to analog converter and decrypting the analog video signal" as claimed; however, it is inherently suggested and included by Kostreski as Kostreski reveals the decryption unit combined in a single module, not separately

into two units as claimed, for example, a digital decryption unit and an analog decryption unit. However, a same result is obtained by decrypting signals from digital forms to analog forms for video and audio signals as taught by Kostreski (col. 23/line 53-col. 24/line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to clarify Kostreski's decryption unit for audio/video signals with two separate decryption units, i.e., a digital decryption unit and an analog decryption unit, in handling encrypted digital signals from other sources and translating them to analog signals (for analog devices) with a better view in visualizing how the decryption unit works as desired.

With respect to claims 4-5, 12-13 and 18, Kostreski also reveals "wherein the audio and video (for claim 12) output interface distributes the analog audio signal to multiple devices", i.e., to multiple subscribers and portable PCS (col. 5/line 60-col. 6/line 7); and "wherein the audio and video (for claim 13) input interface receives the digital audio signal from a network", i.e., within a public wireless packet data network (col. 5/lines 64-67).

Regarding claim 9, Kostreski discloses a system for distributing video content of a digital video signal to an analog wireline device, i.e., digital video sources can be broadcasted to users in audio/video signals for standard (conventional or analog) output device 75 (Fig. 4 and col. 8/lines 10-30), comprising a video input interface receiving the digital video signal and identifying a video bitstream, i.e., the demultiplexer circuitry 127 recognizes the video input stream via the transport interface module and identifying that bit stream (Fig. 8 and col. 21/lines 8-32); a video decoding unit connected to the video input interface and decoding the video bitstream, i.e., a video decoder (Fig. 8/item 128 and col. 21/lines 21-26); a video digital-to-analog converter connected to the video decoding unit and converting the video bitstream to an analog video signal, i.e., NTSC encoder (Fig. 8/item 137 and col. 22/lines 36-59); and a video output interface connected to the video digital-to-analog converter and distributing the analog

video signal to the analog wireline device, i.e., to Baseband video or RF out via RF modulator depending on the type of television set (Fig. 8 and col. 22/lines 19-59).

Kostreski discloses the step of "wherein the video bit stream comprises video data based on a plurality of encoding methods" by revealing the use of MPEG-1 or DIGICIPHER and MPEG-2 encoding technique (Kostreski, col. 12/lines 9-17). However, since the Applicants argues on this issue by amended the claim language (which changes the scope of the application) as disclosed, the Examiner would like to disclose the teachings of Rostoker et al. (or "Rostoker" hereinafter). Rostoker clearly reveals a technique and an apparatus for compressing video and voice (audio) signals according to different standards (Rostoker, col. 1/lines 1-14), and Rostoker further discloses the use of different encoding techniques such as JPEG, CCITT H.261, MPEG-1, MPEG-2, MPEG-3 and MPEG-4 or even Dolby AC-3 (col. 1/lines 14-45, and col. 3/lines 4-27) for compressed video and audio signals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further clarify Kostreski's technique with known and existing different encoding techniques as disclosed by Rostoker in order to obtain an enhanced system that offers the convenience in handling different formats from sources by using a plurality of encoding methods at the video/audio interface as preferred

Regarding claim 16, this claim, which is a combination of claims 1 and 9, is rejected for the reasons given in the scope of claims 1 and 9 as already disclosed above.

As for claim 17, Kostreski discloses "a splitter receiving a digital input signal and splitting the digital input signal into the digital audio signal and the digital video signal", i.e., the system MUX acts as a splitter therein in providing separate digital video and digital audio signals (Fig. 8/item 127).

As for claims 21-30, these method claims for applying the system as described above are rejected for the reasons given in the scope of system claims 1-5, 9-1-13, and 17 as already disclosed above.

4. Claims 6, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski et al (U.S. Patent No. 5,729,549) in view of Rostoker et al (U.S. Patent No. 5,784,572) and Bertram (U.S. Patent No. 6,011,546).

Regarding claims 6, 14 and 19, Kostreski discloses a portable PCS in the system (Fig. 4), but Kostreski and Rostoker do clearly reveal "wherein the audio input interface receives the digital audio signal from a local storage device" and "wherein the video input interface receives the digital video signal from a local storage device"; however, the technique to utilize a local digital source such as from a CD ROM disk or a hard drive is taught by Bertram by using an audio DAC 59 to convert digital audio signals to analog audio signals from audio source CD Drive 54 (Figs. 3-5 and col. 9/line 49-col. 10/line 39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kostreski and Rostoker's system with an additional feature such as "obtaining digital audio signal from a local storage device" as suggested by Bertram in expanding the distributing source not only from a network but also from a local storage device as desired.

5. Claims 7-8, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski et al (U.S. Patent No. 5,729,549) in view of Rostoker et al. (U.S. Patent 5,784,572) and Schulhof et al (U.S. Patent No. 5,841,979).

Regarding claims 7-8, 15 and 20, the combination of Kostreski and Rostoker do not clearly show "wherein the audio input interface receives the digital audio signal produced by a text-to-speech application" and "wherein the audio input interface receives the digital audio signal produced by a digital musical instrument" and "wherein the video input interface receives the digital video signal produced by a digital video camera" as claimed; however, Schulhof teaches in his enhanced delivery of audio data the same technique for users to receive "the digital audio signal produced by a text-to-speech application" (Schulhof, Figs. 1-2, and col. 6/lines 47-

65) and “the digital audio signal produced by a digital musical instrument”, i.e., a Sony portable digital recordable mini-CD (Schulhof, col. 2/line 65-col. 3/line 38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined Kostreski and Rostoker’s system with Schulhof’s disclosed technique in using a text-to-speech application and the concept of utilizing digital audio signal from digital musical instruments, such as a Sony portable digital recordable mini-CD or a digital camera, as some of available resources on the market for the described system to use as preferred.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Art Unit: 2611

Or:

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT").


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Thursday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
May 21, 2001


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600